

## **EXHIBIT G**

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

DAVID C. GEVAS, )  
                    )  
                    Plaintiff, )  
                    )  
                    vs.         ) No. 08 C 3074  
                    )  
TERRY McCANN, et al., )  
                    )  
                    Defendants, )

The Discovery Deposition of  
DR. JACQUELINE MITCHELL, taken before RENEE C.  
KERR, Certified Shorthand Reporter, in the  
State of Illinois, County of Cook, at  
Stateville Correctional Center, 16830 South  
Broadway Street, Joliet, Illinois,  
on the 25th day of March, A.D., 2013,  
at 11 o'clock a.m.

Reported By: Renee C. Kerr

License Number: 084-001508

1 evaluations of dentists in 2007?

2 A Can I ask him a question before I  
3 answer your question?

4 Q Sure, but would I like to hear what  
5 you say.

6 A Okay. Well, you can hear it.

7 Because he is Wexford, Wexford  
8 dentists cannot write evaluations for State  
9 dentists and State dentists cannot write  
10 evaluations for Wexford dentists.

11 Q So you told me the list of all the  
12 different dentists; Selmer, Saffold, Fischman,  
13 Garg, I think was the list -- there were only  
14 four dentists?

15 A At that time, yes.

16 Q And those were all Wexford?

17 A No.

18 Q Which ones were an employee of the  
19 State?

20 A Dr. Fischman, Dr. Saffold, and  
21 Dr. Garg.

22 Q Oh, okay.

23 So Dr. Selmer was the only  
24 Wexford employed dentist at that time?

1 A Yes.

2 Q So there was nobody that he wrote  
3 written evaluations for then?

4 A That would be correct.

5 Q Okay.

6 Did anybody do written  
7 evaluations of the other dentists?

8 A Yes.

9 Q Who?

10 A The healthcare unit administrator.

11 Q And who was that?

12 A That would be me.

13 Q I see. Okay. I would be remiss if I  
14 didn't go back to Exhibit 2 again.

15 A Okay.

16 Q Because in Number 3 it says between  
17 January 30, 2007 and June 5th, 2007,  
18 Dr. Mitchell was administrator of the  
19 healthcare unit at Stateville Correctional  
20 Center; and, it says denied; and, you think  
21 that is incorrect?

22 A Yes.

23 MR. DONOHO: I'm not sure if I need  
24 to go one by one through all of these to see

1 if any of these are correct or not.

2                   Chris, did you do this with any  
3 help from her.

4                   MR. WALTER: I ran it by her, but I  
5 did a lot of it from documents. I definitely  
6 made some mistakes, but I think on that one  
7 especially, I think when we talked, you didn't  
8 have any administrative role in the healthcare  
9 unit itself, did you?

10                  THE WITNESS: I was acting healthcare  
11 unit administrator; but, I was not in dental.

12 BY MR. DONOHO:

13 Q So as acting healthcare unit  
14 administrator, I'm sorry, you did do some  
15 evaluations of Dr. Saffold, Fischman and Garg?

16 A Yes.

17 Q Not Dr. Selmer?

18 A That would be correct.

19 Q What about -- okay. So look at 82  
20 then on Exhibit 2. I am not sure if these --  
21 what your position is on these now or IDOC's  
22 position.

23                  All right. Between -- Number  
24 82. So it says in 2007 Dr. Mitchell was

1 responsible for supervising and evaluating all  
2 assigned dental staff. It says admit.

3 So is that admit -- are you  
4 saying it should be admit except for  
5 Dr. Selmer?

6 A That would be correct.

7 Q I see.

8 And what about 81? Look at the  
9 prior one. It says in 2007, Dr. Mitchell was  
10 responsible for developing dental department  
11 policies and procedures. Denied.

12 Do you think that that is  
13 correct?

14 A I was acting healthcare unit  
15 administrator. So I wasn't directly in  
16 dental, so that would be denied, yes.

17 Q So you had no -- you did not work at  
18 developing any procedures on training dental  
19 staff?

20 A That would be correct.

21 Q That was what Dr. Selmer did or  
22 should have been doing?

23 A That would be correct.

24 Q Was there a policy in Stateville in

1       2007 about whether root canal surgery could be  
2       performed on molars?

3           A       Yes.

4           Q       What was the policy?

5           A       That root canals could not be  
6       performed on molars.

7           Q       Ever?

8           A       Ever.

9           Q       Do you know where that policy is  
10      written?

11          A       I think it's a Wexford policy.

12          Q       Does that Wexford policy also govern  
13      IDOC dentists, State employees?

14          A       It was just a policy. They didn't do  
15      root canals on molars.

16          Q       Whether a Wexford dentist or a State  
17      dentist?

18          A       State dentist.

19          Q       Where is that policy written?

20          A       It is in the Wexford manual.

21          Q       And that Wexford manual applies also  
22      to State employees?

23          A       It's a service that's not provide.

24          Q       Does this Wexford manual dictate the

1 services the State employees can provide?

2 A Pretty much. Because they provide  
3 the supplies.

4 (Document marked Exhibit 4 for  
5 Identification as of 3/25/13.)

6 BY MR. DONOHO:

7 Q On the front page of Exhibit 4, it  
8 says Wexford Health Medical Policies and  
9 Procedures.

10 If you turn towards the back,  
11 there is a page called Den-7, and then at the  
12 bottom, paragraph F, endodontic treatment,  
13 root canal.

14 Do you see that?

15 A Uhmm-uhmm, yes. I'm sorry.

16 Q It says endodontic therapy shall be  
17 limited to front teeth which have good  
18 periodontal support and enough remaining tooth  
19 structure to restore. Exceptions for  
20 endodontic therapy are at the discretion of  
21 the facility dentist.

22 Is this the rule you are  
23 referring to? I'm sorry. I will ask that  
24 again.

1 MR. WALTER: You can answer the  
2 question. If you understand the question, go  
3 ahead.

4 THE WITNESS: Are you speaking in  
5 reference to a root canal or any services?

6 MR. DONOHO: Could you read the  
7 question back?

8 (Record read as requested  
9 by the Court Reporter.)

10 THE WITNESS: Now, in respect to your  
11 question, I think that that certainly is a  
12 wonderful principle, but I think you also have  
13 to look at situations, circumstances.

For instance, the patient may want a platinum tooth. The patient may want orthodontic treatment. Patient may decide that I want all gold teeth.

18                           That is his self-determination  
19   and his right to autonomy. Is that available,  
20   no.

21 BY MR. DONOHO:

22                   ○           Got it.

What about if the patient wants  
root canal surgery to save an otherwise

1 savable tooth?

2 A I think that, obviously, based upon  
3 Wexford policy, they have a right, the dentist  
4 has a right to evaluate the tooth, et cetera,  
5 and make that decision.

6 Q So when Dr. Selmer pulled --

7 A Extracted.

8 Q Excuse me.

9 (Continuing) -- extracted Gevas'  
10 tooth, you are familiar with that's what  
11 happened in this case?

12 A Yes.

13 Q He should have made some sort of  
14 determination as to whether it was savable  
15 under this principle?

16 MR. TJEPKEMA: Objection. It is  
17 beyond the Subpoena; form, foundation.

18 MR. WALTER: Calls for speculation.

19 You can answer.

20 THE WITNESS: I think if he had  
21 reviewed the records, it would have been  
22 indicated that he had periodontal problems as  
23 well as an existing very large abscess. So  
24 perhaps, and I can only say perhaps because I

1 condition? You think they are related?

2 A Yes.

3 Acute you can't see. Chronic  
4 you can.

5 Q And do the terms acute and chronic  
6 have anything to do with the symptoms, like  
7 what the patient feels in terms of pain?

8 A Yes.

9 Q Okay. So at this point right here,  
10 before the patient is feeling any pain, an  
11 extraction was recommended.

12 Was it possible to foresee that  
13 this would likely develop into the condition  
14 we saw on the x-ray for January 30, 2007?

15 Would that be one reason to  
16 recommend extraction; this is what is going to  
17 happen; I can foresee it; let's pull it?

18 A Yes.

19 Q Have you ever seen a condition like  
20 this in this x-ray that I am holding from  
21 9-17-04 that did not progress into something  
22 so serious as the one on the other x-ray of  
23 January 30, 2007?

24 MR. TJEPKEMA: Objection, form.

1 You can answer.

2 MR. WALTER: You can answer.

THE WITNESS: No.

4 MR. DONOHO: I forgot what I asked.

5 Could you read back my question  
6 and her answer?

7 BY MR. DONOHO:

8 Q Is there a way at this point on  
9 September 17, 2004, where root canal surgery  
10 would have either been easier or more  
11 effective than it would have been trying to  
12 perform the same root canal surgery on  
13 January 30, 2007?

14 MR. TJEPKEMA: Objection; form,  
15 foundation; calls for speculation; goes beyond  
16 the Subpoena.

17 MR. WALTER: You can answer if you  
18 understand the question.

19 THE WITNESS: Repeat it again.

## 20 Clarify it.

21 MR. DONOHO: Can you read it back?

22 (Record read as requested  
23 by the Court Reporter.)

24 MR. TJEPKEMA: Same objections.